

**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A guide device for use with a spinal fixation element having at least one pair of thru bores formed therein, the guide device comprising:

an elongate shaft having a proximal end and a distal end, the proximal end of the shaft being positioned at an angle other than 0 with respect to the distal end of the shaft;

a guide member coupled to the distal end of the elongate shaft and including first and second pathways having at least a proximal portion at least partially in communication with one another and extending therethrough in a fixed relation to one another, the distal end of the elongate shaft being offset from the first and second pathways; and

at least one alignment element positioned distal of the guide member, the at least one alignment element being adapted to interact with a spinal fixation element to position the guide member with respect to the spinal fixation element such that the first and second pathways in the guide member are aligned with a pair of corresponding thru bores formed in the spinal fixation element; and

opposed first and second cut-out portions formed in the guide member, the first cut-out portion extending from a distal end of the guide member to a proximal end of the guide member, and the second cut-out portion extending from the distal end of the guide member and terminating distal to the proximal end of the guide member.

2. (Original) The guide device of claim 1, wherein the at least one alignment element comprises at least one tab that extends distally from the guide member.

3. (Previously Presented) The guide device of claim 2, wherein the at least one alignment element is adapted to rest against an edge of a spinal fixation plate such that the alignment element does not extend into any portion of the spinal fixation plate.

4. (Previously Presented) The guide device of claim 2, wherein the at least one alignment element is adapted to rest against an edge of a spinal fixation plate and to provide a sliding interference fit with the spinal fixation plate.

5. (Withdrawn) The guide device of claim 2, wherein the at least one tab comprises opposed first and second tabs that extend distally from the guide member, the first and second tabs being

movable between an open position, and a closed position wherein the tabs are adapted to engage opposed edges of a spinal fixation element.

6. (Previously Presented) The guide device of claim 2, wherein the at least one tab comprises first and second opposed alignment tabs that extend from opposed outer edges of the guide member at positions that are substantially between the first and second pathways.

7. (Previously Presented) The guide device of claim 2, wherein the at least one tab comprises first and second opposed alignment tabs that extend from opposed outer edges of opposed ends of the guide member such that the first and second pathways are positioned between the first and second alignment tabs.

8. (Original) The guide device of claim 1, wherein the at least one alignment element comprises at least one tab that extends distally from the guide member and that is adapted to interact with an edge of a spinal fixation element, and at least one protrusion that extends distally from the guide member and that is adapted to be disposed within a corresponding bore formed in the spinal fixation element.

9. (Original) The guide device of claim 1, wherein the at least one alignment element comprises an alignment tab that extends distally from a distal surface of the guide member and that is adapted to be disposed within a corresponding slot formed in a spinal fixation element.

10. (Original) The guide device of claim 1, wherein the at least one alignment element is adapted to prevent rotation between the guide member and a spinal fixation element when the guide member is mated to the spinal fixation element.

11. (Withdrawn – Currently Amended) The guide device of claim 10, wherein the at least one alignment element comprises an oval protrusion that extends distally from a the distal end of the guide member.

12. (Original) The guide device of claim 1, wherein the guide member has a substantially rectangular, elongate shape and the first and second pathways extend therethrough in a substantially proximal-distal direction.

13. (Original) The guide device of claim 12, wherein the guide member includes opposed superior and inferior sides and opposed transverse sides, the transverse sides having a width that is less than a width of the superior and inferior sides.
14. (Original) The guide device of claim 13, wherein the at least one alignment element comprises a first alignment tab that extends distally from the superior side of the guide member and a second alignment tab that extends distally from the inferior side of the guide member.
15. (Original) The guide device of claim 14, wherein at least one of the tabs is configured to interact with a graft window formed in a spinal fixation element.
16. (Original) The guide device of claim 13, wherein the at least one alignment element comprises first and second alignment tabs that extend distally from opposed transverse sides of the guide member.
17. (Original) The guide device of claim 1, wherein a distal surface of the guide member has a shape that conforms to the shape of a spinal fixation element.
18. (Original) The guide device of claim 1, wherein the first and second pathways are positioned at an angle with respect to one another.
19. (Original) The guide device of claim 1, wherein the first and second pathways are defined by opposed, substantially semi-cylindrical sidewalls.
- 20-21. (Cancelled).
22. (Currently Amended) The guide device of claim ~~24~~ 1, wherein the guide member includes opposed superior and inferior sidewalls and opposed lateral sidewalls extending between the superior and inferior sidewalls, and wherein the ~~at least one~~ first and second cut-out ~~portion is~~ portions are formed in ~~one of~~ the superior and inferior sidewalls.
23. (Currently Amended) The guide device of claim 22, wherein the ~~at least one~~ first and second cut-out ~~portion extends~~ portions extend in a proximal-distal direction at a location that is substantially between the first and second pathways.

24. (Currently Amended) The guide device of claim 22, ~~wherein the guide member includes opposed cut-out portions formed in the superior and inferior sidewalls, and wherein the first cut-out portion is formed in the superior sidewall extends between proximal and distal ends of the guide member, and the second cut-out portion is formed in the inferior sidewall extends from the distal end of the guide member and terminates distal to the proximal end of the guide member.~~

25-26. (Cancelled).

27. (Withdrawn) The guide device of claim 1, wherein the at least one alignment element is formed on a support member that is coupled to the distal end of the elongate shaft, and the at least one alignment element is adapted to removably engage a spinal fixation element.

28. (Withdrawn) The guide device of claim 27, wherein the guide member is slidably movable along the support member such that a position of the guide member with respect to a spinal fixation element engaged by the support member is adjustable.

29. (Withdrawn) The guide device of claim 28, further comprising an engagement mechanism formed on the distal end of the elongate shaft and adapted to releasably engage the support member such that the position of the guide member can be temporarily fixed.

30. (Withdrawn) The guide device of claim 29, further comprising a trigger mechanism formed on the proximal end of the elongate shaft and coupled to the engagement mechanism for moving the engagement mechanism between an engaged position, wherein the guide member is fixed at a desired position, and a released position, wherein the guide member is slidably movable along the support member.

31. (Withdrawn) The guide device of claim 27, wherein the support member is arch-shaped and the at least one alignment element comprises first and second substantially concave grooves formed on opposed inner surfaces of the support member.

32. (Withdrawn) The guide device of claim 1, wherein the at least one alignment element is adapted to loosely interact with a spinal fixation element such that the guide member can pivot with respect to the spinal fixation element.

33. (Withdrawn) The guide device of claim 1, wherein the first and second pathways have an adjustable length.

34. (Cancelled).

35. (Currently Amended) A guide device for use with a spinal fixation element having at least one thru bore formed therein, the guide device comprising:

an elongate shaft having a proximal end and a distal end, the proximal end of the shaft being positioned at an angle other than 0 with respect to the distal end of the shaft; and

a guide member coupled to the distal end of the elongate shaft and including opposed first and second pathways formed therein and having at least a proximal portion at least partially in communication with one another and extending therethrough, the distal end of the elongate member being offset from the first and second pathways; ~~and~~

at least one alignment tab extending distally from the guide member, the alignment tab being adapted to provide a sliding interference fit with a spinal fixation element to position the guide member with respect to the spinal fixation element such that the first and second pathways in the guide member are aligned with at least one corresponding thru bore formed in the spinal fixation element; and

opposed first and second cut-out portions formed in the guide member, the first cut-out portion extending from a distal end of the guide member to a proximal end of the guide member, and the second cut-out portion extending from the distal end of the guide member and terminating distal to the proximal end of the guide member.

36. (Original) The guide device of claim 35, wherein the guide member includes first and second opposed alignment tabs extending distally therefrom.

37. (Original) The guide device of claim 36, wherein the first and second alignment tabs are substantially parallel to one another.

38. (Original) The guide device of claim 36, wherein at least one of the first and second alignment tabs is configured to interact with a graft window formed in a spinal fixation element.

39. (Previously Presented) The guide device of claim 36, wherein the first and second opposed alignment tabs extend from opposed outer edges of the guide member at positions that are substantially between the first and second pathways.

40. (Previously Presented) The guide device of claim 36, wherein the first and second opposed alignment tabs extend from opposed outer edges of opposed ends of the guide member such that the first and second pathways are positioned between the first and second alignment tabs.

41-64. (Cancelled).

65. (Currently Amended) A guide device for use with a spinal fixation element having at least one thru bore formed therein, the guide device comprising:

an elongate shaft having proximal and distal ends, the proximal end of the shaft being positioned at an angle other than 0 with respect to the distal end of the shaft; and

a guide member coupled to the distal end of the elongate shaft, the guide member being in the form of a substantially hollow housing having first and second pathways extending therethrough between proximal and distal ends thereof, the first and second pathways comprising opposed, substantially semi-cylindrical pathways formed within the hollow housing and being having a proximal portion at least partially in communication with one another, wherein the distal end of the elongate shaft is offset from the first and second pathways; and

opposed first and second cut-out portions formed in the guide member, the first cut-out portion extending from the distal end of the housing to the proximal end of the housing, and the second cut-out portion extending from the distal end of the housing and terminating distal to the proximal end of the housing.

66. (Cancelled).

67. (Original) The device of claim 65, wherein at least a portion of each pathway is defined by a substantially elongate, semi-cylindrical sidewall of the housing.

68. (Original) The device of claim 67, wherein a distal end of each semi-cylindrical sidewall extends distally beyond a distal end of the guide member to form opposed tabs that are adapted to seat a spinal fixation element therebetween.

69. (Original) The device of claim 68, wherein each tab has a substantially concave inner surface that is adapted to match the contour of a substantially concave outer surface formed around a perimeter of a spinal fixation element.

70. (Currently Amended) The device of claim 65, ~~further comprising at least one~~ wherein the first and second cut-out portions are formed in the housing between the first and second pathways.

71. (Currently Amended) The device of claim 70, wherein the ~~housing includes opposed first and second cut-out portions extending in a proximal-distal direction, and formed substantially between the first and second pathways.~~

72. (Cancelled).

73. (Currently Amended) A guide device for use with a spinal fixation element, the guide device comprising:

an elongate shaft having proximal and distal ends, the proximal end of the shaft being positioned at an angle other than 0 with respect to the distal end of the shaft; and

a guide member coupled to the distal end of the elongate shaft and adapted to be juxtaposed on a spinal fixation element having first and second thru bores formed within a single lumen and having at least a proximal portion at least partially in communication with one another, the guide member including a first substantially C-shaped lateral sidewall for guiding implants, tools, and devices through the first thru bore in the spinal fixation element, and a second, opposed substantially C-shaped lateral sidewall for guiding implants, tools, and devices through the second thru bore in the spinal fixation element; and

opposed first and second cut-out portions formed between the first and second lateral sidewalls, wherein the first cut-out portion extends between proximal and distal ends of the guide member, and the second cut-out portion extends from the distal end of the guide member and terminates distal to the proximal end of the guide member.

74. (Currently Amended) A guide device for use with a spinal fixation element having at least one pair of thru bores formed therein, the guide device comprising:

an elongate shaft having a proximal end and a distal end;

a guide member coupled to the distal end of the elongate shaft and including first and second pathways extending therethrough in fixed relation to one another and having at least a proximal portion at least partially in communication with one another, and opposed superior and inferior sidewalls, opposed lateral sidewalls extending between the superior and inferior sidewalls, and opposed cut-out portions formed in the superior and inferior sidewalls, wherein the cut-out portion in the superior sidewall extends between proximal and distal ends of the guide member, and the cut-out portion in the inferior sidewall extends from the distal end of the guide member and terminates distal to the proximal end of the guide member; and

at least one alignment element positioned distal of the guide member, the at least one alignment element being adapted to interact with a spinal fixation element to position the guide member with respect to the spinal fixation element such that the first and second pathways in the guide member are aligned with a pair of corresponding thru bores formed in the spinal fixation element.

75. (Currently Amended) A guide device for use with a spinal fixation element having at least one thru bore formed therein, the guide device comprising:

an elongate shaft having proximal and distal ends; and

a guide member coupled to the distal end of the elongate shaft, the guide member being in the form of a substantially hollow housing having first and second pathways extending therethrough between proximal and distal ends thereof, the first and second pathways being having at least a proximal portion at least partially in communication with one another, wherein the distal end of the elongate shaft is offset from the first and second pathways, wherein at least a portion of each pathway is defined by a substantially elongate, semi-cylindrical sidewall of the housing, and a distal end of each semi-cylindrical sidewall extends distally beyond a distal end of the guide member to form opposed tabs that are adapted to seat a spinal fixation element therebetween, each tab having a substantially concave inner surface that is adapted to match the contour of a substantially concave outer surface formed around a perimeter of a spinal fixation element; and

opposed first and second cut-out portions formed in the guide member, the first cut-out portion extending from the distal end of the housing to the proximal end of the housing, and the



second cut-out portion extending from the distal end of the housing and terminating distal to the proximal end of the housing.

76. (Currently Amended) A guide device for use with a spinal fixation element having at least one thru bore formed therein, the guide device comprising:

an elongate shaft having proximal and distal ends; and

a guide member coupled to the distal end of the elongate shaft, the guide member being in the form of a substantially hollow housing having first and second pathways extending therethrough between proximal and distal ends thereof, ~~the first and second pathways being having at least a proximal portion~~ at least partially in communication with one another, wherein the distal end of the elongate shaft is offset from the first and second pathways; and

opposed first and second cut-out portions extending in a proximal-distal direction, and formed substantially between the first and second pathways, the first cut-out portion extending from the distal end of the housing to the proximal end of the housing, and the second cut-out portion extends from the distal end of the housing and terminates distal to the proximal end of the housing.